

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

William Victor Binger III,
Patricia Ione Binger,

Chapter 7
Case No. 17-42972

Debtors.

NOTICE OF MOTION AND MOTION TO
COMPEL TURNOVER OF ESTATE PROPERTY

Erik A. Ahlgren (the “Trustee”) moves the court for the relief requested below and gives notice of hearing.

NOTICE OF HEARING

1. The court will hold a hearing on this motion at 10:30 a.m. on December 12, 2019, Courtroom 7 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, 55415 or as soon thereafter as counsel may be heard.

2. Any response to this motion must be filed and served by delivery or mail not later than Friday, December 6, 2019, which is six days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

MOTION

3. The petition commencing this chapter 7 case was filed on September 28, 2017. The case is now pending in this court.

4. This court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334, Federal Rule of Bankruptcy Procedure 5005 and Local Rule 1070-1. This Motion arises under 11 U.S.C. §542 and Bankruptcy Rules 4003. This Motion is filed under Bankruptcy Rule 9014 and Local Rules 9001 et seq. This proceeding is a core proceeding.

5. The Trustee has requested turnover of:

- A gooseneck trailer,
- Two Farmall Tractors,
- Minnesota State Property Tax Return for 2017.

6. The Debtor has failed to turnover the above described items.

7. Pursuant to 11 U.S.C. §521(3)(4), the Debtor is required, among other things, to cooperate with the Trustee as necessary to enable the Trustee to perform the Trustee's duties, and to surrender to the Trustee all property of the estate. Bankruptcy Rule 4002(4) also requires the Debtor to cooperate in the administration of the estate.

WHEREFORE, the Trustee, by and through the undersigned attorney, moves the court for an order of the court the turnover of the above described items within 7 calendar days from the date of the hearing on the motion for turnover.

2. For such further relief as the court deems just and equitable.

Ahlgren Law Office, PLLC

Dated: November 5, 2019

/e/Erik A. Ahlgren
Attorney #191814
220 West Washington Ave, Ste 105
Fergus Falls, MN 56537
Office: 218-998-2775
Fax: 218-998-6404
erik@ahlgrenlaw.net

ATTORNEY FOR DEBTOR

Verification.

I, Erik A. Ahlgren, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: November 5, 2019

Signed: /e/ Erik A. Ahlgren

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ORDER

Upon the Motion to Compel Turnover of Estate Property filed by the Trustee and upon all the files and records of the proceedings herein,

IT IS ORDERED:

Within seven (7) days of the date hereof, the Debtor is required to turnover the following:

- A gooseneck trailer,
- Two Farmall Tractors,
- Minnesota State Property Tax Return for 2017.

Dated:

Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
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UNSWORN CERTIFICATE OF SERVICE

I, Lisa Ahlgren, declare under penalty of perjury that on November 5, 2019 she caused to be served the following documents via the CM/ECF system to those parties requesting electronic notification.

1. Notice of Motion and Motion to Compel Turnover of Estate Assets
2. Proposed Order

And by U.S. Mail to:

William Victor Binger III 34053 Hupp St NE Cambridge MN 55008	Patricia Ione Binger 34053 Hupp St NE Cambridge MN 55008
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Executed: November 5, 2019

Signed: /e/Lisa Ahlgren

Lisa Ahlgren
220 W. Washington Ave, Ste 105
Fergus Falls, MN 56537